

## **REMARKS**

### **I. Introduction**

Claims 1, 14-24 and 26-65 are pending in the present application. Claims 1, 14, 26 and 45 have been amended to clarify the subject matter recited therein and correct various informalities. Reconsideration of the present application is respectfully requested in light of the amendments and the following remarks.

### **II. Withdrawal of Finality**

Applicants thank Examiner for accepting Applicants' Request for Continued Examination submitted on January 8, 2004 and further appreciate the withdrawal of finality of the previous Office Action.

### **III. Rejection of Claims 14, 15, 19-23, 26, 27, 31, 33, 52, 58, and 59 Under 35 U.S.C. § 102(b)**

Claims 14, 15, 19-23, 26, 27, 31, 33, 52, 58, and 59 stand rejected under 35 U.S.C. § 102(b) as anticipated by Goodson. It is respectfully submitted that Goodson does not anticipate these claims for at least the following reasons.

Claims 14 recites "the lottery ticket including multiple drawing event designations." Goodson does not teach or suggest "a lottery ticket including multiple event designations." Rather, Goodson's ticket only unmask play areas once.

"If an unmasked ticket is not a winner on this play, it can never be a winner. Even if the same Play Areas were specified another time, the result would be the same. Once a ticket is found to be a loser, [the ticket] is always a loser."

Goodson Col. 2:55-58.

The purpose of the invention in Goodson is to prevent the stockpiling of tickets, and Goodson achieves this purpose by only allowing one unmasking per ticket. Therefore, Goodson does not teach or suggest a “game ticket including multiple event designations” as recited in claim 14.

Applicants respectfully traverse Examiner’s assertion that claims 26, 52 and 58 are anticipated by Goodson. As an initial matter, claims 52 and 58 both depend from claim 14 and should be patentable for the same reasons as 14 given above.

Claims 26, 52 and 58 recite “a second drawing event designation.” Goodson does not teach or suggest “a second drawing event designation.” Rather, Goodson describes an Instant Play ticket and the possibility of an interactive portion, a “Second Play”, where the play areas used in the game are unmasked. However, while termed a second play, this “Second Play” is not a second drawing event designation. Goodson requires that each ticket only have one play area unmasking, and after that unmasking has been performed, further play is not possible. “Once a player has properly played the Secondary Play of the Ticket . . . If a win, he will redeem it; if a loss he will discard it.” Goodson Col. 4:38-41. Goodson uses the term “Second Play” to distinguish the interactive portion of the game from the Instant Play portion, not to disclose a second drawing event designation. Therefore, Goodson does not teach or suggest “a second drawing event designation”, and, as such, does not anticipate claim 26, 52 or 58.

Independent of the above, claims 15, 16, 19-23, 27-31, 52, 58, and 59 depend directly or indirectly from claim 14 or 26. Therefore, Applicants submit that these claims are dependent patentable over Goodson for at least the reasons given above for claims 14 and 26.

**IV. Rejection of Claims 34-36, 47, 49, and 54-57 Under 35 U.S.C. § 102(b) Over Maksymec**

Claims 34-36, 47, 49 and 54-57 stand rejected under 35 U.S.C. § 102(b) over Maksymec. Applicants respectfully traverse the rejection, and assert that these claims are not anticipated for at least the following reasons.

Claims 34 and 49 recite “a plurality of unique indicia is disposed on the surface of the removable material so that the plurality of unique indicia corresponds to the plurality of panels.” Maksymec does not teach or suggest “a plurality of unique indicia on the surface of the removable material so that the plurality of unique indicia corresponds to the plurality of panels.” Rather, Maksymec describes a standard bingo card in a sealed envelope. Maksymec Col. 2:59-65. The envelope in Maksymec describes a cover for the entire card, front and back, and not indicia disposed on the surface of the removable material such that the plurality of unique indicia corresponds with the plurality of panels. The envelope in Maksymec does not provide indicia on the surface of the removable material, nor a plurality of unique indicia that correspond with the plurality of panels. Thus, Maksymec does not anticipate claims 34 or 49.

Moreover, claim 34 recites “receiving a first drawing event designation wherein the event designation includes a designation of a subset of the plurality of panels to be used in game play.” Maksymec does not teach or

suggest “receiving a first drawing event designation wherein the event designation includes a designation of a subset of the plurality of panels to be used in game play” as recited in claim 34. Rather, Maksymec describes a game of bingo played on a standard bingo card. There is no designation of a subset of the plurality of panels to be used in game play because all of the panels are used in a single play in Maksymec. “The object of the game is to cover all of the spots on a 25-number bingo card.” Maksymec Col. 4:37-38. Thus, Maksymec does not anticipate claim 34.

Moreover, Applicants respectfully traverse Examiner’s assertion that claim 55 is anticipated by Maksymec. As an initial matter, claim 55 depends from claim 49 and should be patentable for the same reasons as claim 49 stated above.

Claim 55 recites “a second drawing event designation . . . wherein the second subset of the plurality of panels are distinct from the subset of panels designated in the first drawing event designation.” Maksymec does not teach or suggest “a second drawing event designation . . . wherein the second subset of the plurality of panels are distinct from the subset of panels designated in the first drawing event designation.” Rather, in Maksymec, all panels are used in game play. Since all panels are used in a single game play, there cannot be a second designation where the panels are distinct from the first designation. Therefore, Maksymec does not disclose “a second drawing event designation . . . wherein the second subset of the plurality of panels are distinct from the subset of panels designated in the first drawing event designation.”

Independent of the above, claims 35, 36, 47, 54 -57 depend directly or indirectly from claims 34 and 49. Therefore, Applicants submit that these claims are patentable over Maksymec for at least the reasons given above for claims 34 and 49.

**V. Rejection of Claims 1, 45 and 46 Under 35 U.S.C. § 103(a) Over Maksymec in View of Bruin**

Claims 1, 45 and 46 stand rejected under 35 U.S.C. § 103(a) over Maksymec in view of Bruin with respect to §103 rejections. It is respectfully submitted that neither Maksymec, nor Bruin, nor their combination render claims 1, 45 or 46 obvious for at least the following reasons. As an initial matter, claims 45 and 46 depend from claim 34 directly or indirectly and should be patentable for at least the same reasons as 34 stated above.

The Examiner has the burden of establishing a *prima facie* case of obviousness. See M.P.E.P. § 2142. Without a *prima facie* showing of obviousness, an applicant does not have an obligation to submit evidence of refuting obviousness. In order to establish a *prima facie* claim of obviousness, "all of the claim limitations must be taught or suggested by the prior art." M.P.E.P § 2143.03. Applicants respectfully submit that Examiner's proposed modification of Maksymec with Bruin does not teach or suggest all of these claim's recitations.

Claims 1 and 45 recite "a removable material having a surface wherein a plurality of unique indicia is disposed on the surface of the removable material so that the plurality of unique indicia corresponds to the plurality of panels." As stated above, Maksymec does not teach or suggest "a removable material having a surface wherein a plurality of unique indicia is disposed on

the surface of the removable material so that the plurality of unique indicia corresponds to the plurality of panels.” Rather, Maksymec describes a standard bingo card in a sealed envelope. The envelope in Maksymec does not provide indicia on the surface of the removable material, nor a plurality of unique indicia that correspond with the plurality of panels. Further, Bruin generally describes a printed play slip and does not disclose removable material. Neither Bruin, nor the combination of Maksymec and Bruin proposed by Examiner teach or suggest “a removable material having a surface wherein a plurality of unique indicia is disposed on the surface of the removable material so that the plurality of unique indicia corresponds to the plurality of panels.” Therefore, claims 1 and 45 are is not obvious in view of Maksymec over Bruin.

Moreover, Claim 1 recites “a playing life of the lottery ticket disposed on the game ticket.” Claim 45 recites similarly “a playing life of the lottery ticket on the game ticket.” Neither Maksymec, nor Bruin, nor their combination teaches or suggests “a playing life of the lottery ticket disposed on the game ticket” as recited in claims 1 and 45. Rather, Maksymec describes stamping a bingo card with the date and time the card was issued. Maksymec Col. 3:4. Similarly, Bruin discloses a play slip printed with the time and place of purchase. Bruin Col. 4:59-60. Therefore, neither Maksymec, nor Bruin, nor their combination teach or suggest “a playing life of the lottery ticket disposed on the ticket.”

**VI. Rejection of Claims 16-18, 29 and 30 Under 35 U.S.C. §103(a) over Goodson**

Claims 16-18, 29 and 30 stand rejected under 35 U.S.C. § 103(a) over Goodson. Applicants respectfully traverse the rejections.

Claims 16-18, depend directly or indirectly from claim 14. Claims 29 and 30 depend indirectly from claim 26. Therefore, Applicants submit that these claims are patentable over Goodson for at least the reasons given above for claims 14 and 26.

**VII. Rejection of Claims 24, 28, 32, 50 and 51 Under 35 U.S.C. §103(a) Over Goodson in view of Fienberg**

Claims 24, 28, 32, 50 and 51 stand rejected under 35 U.S.C. § 103(a) over Goodson in light of Fienberg. Claims 24, 50 and 51 depend either directly or indirectly from claim 14. Claims 28 and 32 depend or indirectly from claim 26. Therefore, Applicants submit that these claims are patentable for at least the reasons given above for claims 14 and 26.

**VIII. Rejection of Claims 37-44 and 48 Under 35 U.S.C. § 103(a) Over Maksymec in View of Leake**

Claims 37-44 and 48 stand rejected under 35 U.S.C. § 103(a) over Maksymec in view of Leake. Applicants respectfully traverse this rejection for at least the following reasons.

As an initial matter, claims 37-44 and 48 depend directly or indirectly from claim 34, therefore claims 37-44 and 48 should be patentable for at least the same reasons as claim 34.

Applicants respectfully traverse Examiner's assertion that claim 39 is obvious over Maksymec in view of Leake. Claim 39 recites "a combination of

playing panels including some but not all of the plurality of panels.” Neither Maksymec, nor Bruin, nor their combination teaches or suggests “a combination of playing panels including some but not all of the plurality of panels.” As an initial matter, Applicants respectfully traverse Examiner’s characterization of the 5x5 Bingo board in Maksymec as having 5 panels. However, even in Examiner’s characterization, where each row or column is characterized as a panel, neither Maksymec, nor Leake, nor their combination teach or suggest “a combination of playing panels including some but not all of the plurality of panels.” Rather, in Maksymec, all the panels are in play as all of the panels are in play in Leake. Leake is a variation of a standard Bingo game where, a player would match the column letter and color on his board with one announced by the caller. Leake Col. 64-60. In Leake, winning configurations play of all columns and rows such as forming a diagonal, four corners or all spaces designated with a single color. Thus, in Leake as in Maksymec, all panels are used in play, and therefore neither reference, nor their combination, teaches or suggests “a combination of playing panels including some but not all of the plurality of panels”.

Further, claim 39 recites that the “combination of panels is unique to each drawing event.” As stated above, since Maksymec and Leake disclose using all of the panels in play, they do not teach or suggest the “combination of panels is unique to each drawing event.” Therefore claim 369 is not obvious over Maksymec in light of Leake.

Applicants respectfully traverse Examiner’s assertion that claims 40-43 are obvious over Maksymec in view of Leake. Claims 40-43 recite the plurality of game pieces disposed in three or at least three of the plurality of



panels revealed. Leake does not teach or suggest revealing game pieces disposed in panels as Examiner asserts. Rather, Leake describes a bingo like playing board where all pieces are immediately visible. Leake Col. 7:15-19. Figs 13 and 14 in Leake describe games where a player wins by matching the visible colors and or patterns on the board. Leake Col. 16:63-17:25. Maksymec merely discloses an envelope for the entire card. Therefore, neither Leake nor Maksymec, nor their combination teach or suggest the plurality of game pieces disposed in three or at least three of the plurality of panels revealed.

**IX. Rejection of Claims 34 and 60-65 Under 35 U.S.C. § 103(a) Over Goodson in view of Fujita**

Claims 34 and 60-65 stand as rejected under 35 U.S.C § 103(a) over Goodson in view of Fujita. Examiner does not give any further explanation as to why claim 34 is obvious. The grounds for rejecting a claim should be fully and clearly stated. See M.P.E.P § 707.07(d). Applicants believe that claim 34 is in condition for allowance and passage to issuance is respectfully requested.

Claims 60 and 61 depend directly or indirectly from claim 14. Claims 62-63 depend directly or indirectly from claim 34, and claims 64 and 65 depend directly or indirectly from claim 49. These claims should be patentable for at least the same reasons as claims 14, 34 and 49.

**X. Establishing Priority to U.S. Patent Application 09/794,266**

Applicants note with appreciation that the Examiner acknowledged the

statement of priority to application number 09/794,266 filed February 27, 2001.


**XI. Conclusion**

In view of the foregoing, it is respectfully submitted that the present claims are in condition for allowance. Passage to issuance is, therefore, respectfully requested. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully Submitted,

KENYON & KENYON

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By:   
Andrew L. Reibman  
Reg. No. 47,893

One Broadway  
New York, New York 10004  
(212) 908-6486  
Customer No. 26646